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| 10/630,071 | 07/30/2003 | Terry M. Martin | 200208611-1 | 9436 |

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| EXAMINER |
|---|
| IBRAHIM, MOHAMED |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2144 | |

| NOTIFICATION DATE | DELIVERY MODE |
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| 09/16/2008 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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| Office Action Summary | Application No. | Applicant(s) |
| --- | --- | --- |
| | 10/630,071 | MARTIN ET AL. |
| | **Examiner** | **Art Unit** |
| | MOHAMED IBRAHIM | 2144 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *21 May 2008*.

2a)☒ This action is **FINAL**.        2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-4,8,9,11,21 and 23-25* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,8,9,11,21 and 23-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some *  c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## *Response to Amendment*

## *Claim Rejections - 35 USC § 103*

1.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.      Claims  1-4, 8-9, 11, 21- and 23-25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Karakashian et al. (Karakashian), U.S. Application Publication No.

2004/0064503 A1 in view of Kaler et al. (Kaler), 2004/0199586 A1 and further in view of

Kennedy, U.S. Patent No. 6330589.

Regarding claim 1, Karakashian discloses a method for collecting data regarding a

messaging session (see e.g. Fig. 1, Fig. 3, and paragraph [0033], intercepting message

session), the method comprising:

intercepting an incoming message sent to a first network service (see e.g. paragraph

[0032]); writing session information relevant to the incoming message to a thread-local

variable (see e.g. paragraphs [0033] and [0038]; The web service invoke requests is

saved in the container driver); and providing the incoming message to the first network

service (see e.g. paragraph [0081]); sending an outgoing message from the network

service to a second network service or a client (see e.g. the disclosure of claim 1

wherein the message context is modified and sent the web services destination);

intercepting the outgoing message sent by the first network service (see e.g. fig. 3 and

paragraph [0040]; interceptors for both inbound and outbound messages);

performing a thread-local variable lookup so as to retrieve the session information

written to the thread-local variable (see e.g. paragraph [0038] and [0107]); instrumenting

the outgoing message with the session information (see e.g. paragraphs [0026], [0033]

and [0047]); and providing the instrumented outgoing message to the second network

service or client (see e.g. paragraph [0081] and claim 1; passing the instrumented

message to the web service destination).

Although Karakashian discloses the invention substantially as claimed, it does not

explicitly discloses session information including a session identification, a source

name, of the sender of the message, a message type, a destination name of the

intended recipient, and a message received time.

Kaler teaches system for using expressive session information in a distributed system

where the session information include session identification, message type, session

name, sending and receiving nodes etc. (see figs. 3-4, paragraphs [0006], [0016]-

[0017], [0019] and [0041]). At the time of the invention it would have been obvious to a

person of ordinary skill in the art to combine the teachings of Kaler with that of

Karakashian. Motivation for dong so would have to unambiguously identify each

individual session from plurality of sessions.

Although the combination of Karakashian and Kaler teach the invention substantially as

claimed, they do not teach storing in a database in relation to the session identifier

session data relevant to the incoming or outgoing message wherein the session data

includes at least a message sent time.

Kennedy teaches a system for managing message threads generated from email. The

system includes a local message store and database that stores message sessions and

related information corresponding to the retrieved messages wherein the message-

related information includes message identifier, parent message identifier, sent time and

the time posted to the database (see Kennedy, fig. 8, col. 2 line 61-col. 3 line 2, and col.

3 lines 6-44). At the time of the invention it would have been obvious to a person of

ordinary skill in the art to combine the teachings of Kennedy with that of Karakashian-

Kaler. Motivation for doing so would have been to effectively and efficiently keep track

of messages and maintain the message order of a threaded conversation (see

Kennedy, col. 2 lines 38-42).

Regarding claim 2, Karakashian-Kaler-Kennedy teaches wherein intercepting an

incoming message comprises intercepting an extensible markup language (XML)

message wrapped in a simple object access protocol (SOAP) envelope (see e.g. Fig. 1

and paragraph [0041]).

Regarding claim 3, Karakashian-Kaler-Kennedy teaches wherein intercepting an

incoming message comprises intercepting a service request (see e.g. paragraph

[0034]).

Regarding claim 4, Karakashian-Kaler-Kennedy teaches wherein intercepting an

incoming message comprises intercepting a service response (see e.g. paragraph

[0034]).


Regarding claim 8, Karakashian-Kaler-Kennedy teaches wherein writing a session

identifier to a thread-local variable comprises writing to the session identifier to a thread-

local variable using a simple object access protocol (SOAP) message handler (see e.g.

paragraph  [0038] and [0146]-[0147]).


Regarding claim 9, Karakashian-Kaler-Kennedy teaches wherein storing session data

regarding the incoming message further comprises storing the source name of the

sender of the message, a message type and a destination name of the intended

recipient  (see e.g. Karakashian, paragraph [0038] and Kennedy, col. 2 lines 49-67).

The same motivation utilized in the combination of claim 1, equally applies as well to

claim 9.


Regarding claim 11, Karakashian-Kaler-Kennedy teaches wherein storing session data

regarding the outgoing message further comprises storing the source name of the

sender of the message, a message type and a destination name of the intended

recipient (see e.g. Karakashian, paragraph [0038] and Kennedy, col. 2 lines 49-67). The

same motivation utilized in the combination of claim 1, equally applies as well to claim

11.


Claim 21 list all the same sub-elements of claim 1, but in computer readable medium

form rather than method form. Therefore, the supporting rationale of the rejection to

claim 1 applies equally as well to claim 21. The same motivation utilized in the

combination of claim 1, equally applies as well to claim 21.

Regarding claim 23-24, the limitations of these claims have already been addressed

(see claim 8 above).

Regarding claim 25, the limitations of this claim have already been addressed (see

claims 9 and 11, above).

### *Response to Arguments*

3.      Applicant's arguments with respect to claims 1-4, 8-9, 11, 21 and 23-25 have

been considered but are moot in view of the new ground(s) of rejection.

Again, it is the Examiner's position that Applicant has not yet submitted claims drawn to

limitations, which define the operation and apparatus of Applicant's disclosed invention

in manner, which distinguishes over the prior art. As it is Applicant's right to continue to

claim as broadly as possible their invention. It is also the Examiner's right to continue to

interpret the claim language as broadly as reasonable. It is the Examiner's position that

the detailed functionality that allows for Applicant's invention to overcome the prior art

used in the rejection, fails to differentiate in detail how these features are unique. It is

advised that, in order to further expedite the prosecution of the application in response

to this action, Applicant should amend the base claims to describe in more narrow detail the true distinguishing features of Applicant's claim invention.

Applicant has had an opportunity to amend the claimed subject matter, and has failed to modify the claim language to distinguish over the prior art of record by clarifying or substantially narrowing the claim language. Thus, Applicant apparently intends that a broad interpretation be given to the claims and the Examiner has adopted such in the present and previous Office action rejections. See In re Prater and Wei, 162 USPQ 541 (CCPA 1969), and MPEP 2111.

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.


***Prior Art of Record***

4.      The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a list of relevant prior art.

### *Conclusion*

5.     Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.  Accordingly, **THIS ACTION IS MADE FINAL**.  See MPEP § 706.07(a).  Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action.  In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.  In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMED IBRAHIM whose telephone number is (571)270-1132.  The examiner can normally be reached on Monday through Friday from 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn, Jr. can be reached on 571-272-3922.  The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


/MI/

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2144